

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA**

Korell Battle,)	Case No. 2:18-cv-00719-TMC-MGB
)	
Plaintiff,)	
v.)	
)	
)	ORDER
South Carolina Department of)	
Corrections; Warden Cecilia Reynolds,)	
individually and in her official capacity)	
as warden of Lee Correctional)	
Institution; Warden Aaron Joyner,)	
individually and in his official capacity)	
as warden of Lee Correctional)	
Institution,)	
)	
Defendants.)	
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Darnell Brown,)	Case No. 2:18-cv-00572-TMC-MGB
)	
Plaintiff,)	
v.)	
)	
)	ORDER
South Carolina Department of)	
Corrections; Warden Cecilia Reynolds,)	
individually and in her official capacity)	
as warden of Lee Correctional)	
Institution; Warden Aaron Joyner,)	
individually and in his official capacity)	
as warden of Lee Correctional)	
Institution,)	
)	
Defendants.)	
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Jeffrey Brown)	Case No. 2:18-cv-00573-TMC-MGB
)	
)	
Plaintiff,)	
v.)	
)	
)	ORDER
South Carolina Department of)	
Corrections; Warden Cecilia Reynolds,)	
individually and in her official capacity)	

John Mack,)	Case No. 2:18-cv-00576-TMC-MGB
)	
)	
Plaintiff,)	
v.)	
)	ORDER
South Carolina Department of)	
Corrections; Warden Cecilia Reynolds,)	
individually and in her official capacity)	
as warden of Lee Correctional)	
Institution; Warden Aaron Joyner,)	
individually and in his official capacity)	
as warden of Lee Correctional)	
Institution,)	
)	
Defendants.)	
_____)	

The above cases have been filed pursuant to 42 U.S.C. § 1983 and the South Carolina Tort Claims Act (“SCTCA”), S.C. Code Ann. §§ 15-78-10 et seq. These cases arise from alleged inmate stabbings or attacks occurring at Lee Correctional Institution. On June 5, 2019, the Court held a hearing to resolve various discovery issues.¹


At the hearing, Plaintiffs’ counsel raised the issue of deposing Mr. Roth, an individual who drafted the “Roth Report” for the Mental Health Settlement. Plaintiffs indicated that they had obtained a redacted version of the Roth Report because it was produced in other litigation. They asked that the Court compel Defendants: (1) to produce the unredacted Roth Report and (2) to disclose Mr. Roth’s home address so that Plaintiffs’ counsel could serve him with a notice of his deposition. Following the hearing, the Court issued an Order directing Defendants to provide the Court with an unredacted copy of the Roth Report. The Court also later directed Plaintiffs’ counsel to submit the redacted version of the Roth Report in their possession so that the Court could compare the two documents.

¹ Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C., this matter has been assigned to the undersigned for all pretrial proceedings.

The Court has since reviewed both the redacted and unredacted versions of the Roth Report and finds the entire Roth Report should be produced to Plaintiffs' counsel, in unredacted form. The Roth Report is relevant to the issues in this case—it addresses the understaffing issues faced by the South Carolina Department of Corrections. The Roth Report is only tangentially related to the Mental Health Settlement. Further, there is no basis to find that the Roth Report is subject to confidentiality in relation to the Mental Health Settlement, as asserted by defense counsel at the hearing. The Court has reviewed the Mental Health Settlement Agreement that was produced *in camera* by Defendants. The Mental Health Settlement provides that four categories of information are subject to confidentiality: (1) certain SCDC policies; (2) reports or information related to inmate suicide; (3) personally identifiable health information; and (4) certain SCDC compliance evaluation reports created in advance of facility inspections.

In sum, the Court orders Defendants to produce to Plaintiffs' Counsel the entire unredacted Roth Report by Monday June 10, 2019. The Roth Report is considered subject to the Confidentiality Order (Dkt. No. 39) already in place and is for attorneys' eyes only. In addition, the Court finds that, given that Mr. Roth could be a fact witness in this case, Defendants must disclose to Plaintiffs' counsel Mr. Roth's home address so that he may be served a notice of his deposition. Defendants are directed to disclose this information by Monday, June 10, 2019. This information is also for attorneys' eyes only.

IT IS SO ORDERED.



MARY GORDON BAKER
UNITED STATES MAGISTRATE JUDGE

June 6, 2019
Charleston, South Carolina